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SUBJECT: DPKO BRACES FOR ICC INDICTMENTS; CHINA THREATENS
UNAMID WITHDRAWAL

Classified By: Amb. Zalmay Khalilzad, for reasons 1.4 b/d.

11. (U) This is an action request, please see paragraph 9.

12. (C) SUMMARY: In a series of P5 and P3 meetings on July 10, UN Secretariat officials expressed concern for the implications of pending ICC indictments, which reportedly included Sudanese President Bashir, for peacekeeping operations (PKOs) in Sudan and updated PermReps on contingency planning. DPKO U/SYG Guehenno said the UN has evidence that Sudanese armed forces or allied militias may have been behind the July 8 attack on UNAMID and expressed concern that this foreshadows further attacks on the peacekeeping mission. China convened a separate P5 meeting in which it called for a Security Council resolution to suspend ICC activity and threatened to withdraw Chinese forces from UNAMID if the Council chooses not to pursue this option. END SUMMARY.

UN briefs on contingency planning

13. (C) Deputy Secretary-General Asha-Rose Migiro and Under-Secretary-General for Peacekeeping Operations Jean-Marie Guehenno called a July 10 meeting with the P5 to express their concern over the potential implications that ICC indictments of Sudanese officials could have for peacekeeping operations in Sudan. According to Migiro, ICC Prosecutor Moreno Ocampo has told the SYG that indictments of high-ranking Sudanese officials (widely believed to include President Bashir and Nafie Ali Nafie) will be released early on Monday, July 14.

14. (C) In the P5 meeting and a subsequent meeting with P3 PermReps, U/SYG Guehenno said that DPKO was working on contingency planning based on a number of scenarios, ranging from the Sudanese government suspending cooperation with PKOs to active targeting of UN personnel. With UNMIS SRSG Qazi in Pakistan due to a death in the family, Guehenno announced that he was dispatching A/SYG Jane Holl-Lute to Sudan to serve as de facto head of UNMIS ad interim. Guehenno said the most pressing need was to ensure sufficient delivery of fuel, rations and water to maintain the operations of UN missions. UNAMID was particularly vulnerable; DPKO was attempting to ensure a 10-day store of supplies but Lute cautioned that this might be unrealistic. Guehenno and Lute said that DPKO would be contacting P3 members with a more detailed assessment of needs, possibly within the next 48 hours. In response to a question from the French PR about an "Eritrean scenario" in which the Sudanese government would demand that peacekeepers leave, Guehenno responded that "we will be naked" and that the UN "can be humiliated in a big way."

15. (C) Guehenno provided additional details on the July 8 ambush of UNAMID personnel, stating that the Deputy Force Commander believed the attack to be the work "of the Sudanese government side." Though DPKO cannot prove responsibility and does not intend to issue a public statement, he cited the types of tactics, uniforms and armaments used, as well as the location of the attack as justification for the tentative attribution of responsibility. According to Guehenno, UNAMID and UNMIS leaders have been told by senior Sudanese officials that any possible ICC indictments could not be delinked from UN PKOs. Guehenno said that the Sudanese DPR reinforced the same message in a meeting on July 10, stating that since the cases in question had been referred to the ICC by the Security Council, the UN could not now distance itself from the indictments. The DPR also warned that the government could not control "spontaneous actions of individuals" in reaction to the indictments -- a comment that Guehenno understood as a veiled threat against UN personnel in Sudan. The Sudanese DPR concluded by making a pointed request for the Security Council to request suspension of the indictments (NOTE: This presumably refers to Article 16 of the Rome Statute, which allows for suspension of an ICC investigation based on a Chapter 7 resolution of the Security Council. END NOTE.)

16. (C) Guehenno spoke briefly about possible implications of the indictments for regional stability. He cited fears that the ICC indictments, combined with rumors that Minnie Minawi planned to reenter Darfur, could lead the Sudanese government to attempt to enter Minawi-held areas in a show of strength. Rebels and Chadian President Deby might also sense a moment of opportunity and overplay their hands, potentially leading

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to a vicious cycle of violence and displacement amid low stockpiles of supplies and "zero" cooperation from the GoS. Guehenno stressed that close cooperation with EUFOR on supply lines and aid to IDPs would be key to managing the humanitarian situation on the border. Guehenno and PermReps agreed that while both the GoS and SPLM have a vested interest in maintaining the north-south peace process, it would take careful management to keep instability in Darfur from spilling over into other parts of Sudan.

Heated P5 Discussion on Council Response

17. (C) In a separate discussion with the P5, the Chinese and Russian PermReps called for Security Council action to suspend the ICC investigations under Article 16 of the Rome Statute. After the British and French representatives responded that it was highly unlikely that their capitals would be able to support such a resolution and that delivering the first round of the ICC indictments would be the most appropriate response by the GoS, AMB Wang launched a heated attack on the British and French position. "You will not be able to blame China anymore for the Darfur crisis! I will report to my capital the Europeans and British want China to withdraw from UNAMID." Wang said the indictments would destroy the "entire fabric" of the carefully crafted UNSC Darfur strategy and accused the UK of complicity in the timing of the indictments - i.e. during the lead up to the Beijing Olympics and the opening discussions on the UNAMID mandate renewal. The Russians agreed.

Comment

18. (C) The ICC's indictments have clearly spooked Sudan and its allies. As AMB Wang's outburst shows, the Chinese are under particular pressure to prevent a flare up in Darfur-related violence during the Beijing Olympics. DPKO has reacted quickly and appropriately to the possibility of

blowback against Sudan PKOs, but has paid little attention to how the current situation might be turned to our advantage. In consultations with Guehenno and other P3 PermReps, Ambassador Khalilzad challenged those assembled to view the outcome of the indictments as a potential opportunity even while making appropriate preparations to protect UN personnel and IDPs. Beyond the immediate potential for impact on PKOs, it is also likely that Security Council disagreement over how to respond to the ICC indictments will further complicate discussions over UNAMID mandate renewal, scheduled to begin in New York next week. End Comment.

19. (C) ACTION REQUEST: We anticipate that DPKO may ask us for help in the coming days. USUN suggests that an interagency group be convened to look at potential developments in Sudan and the region, including positive and negative implications and actions we might be willing to take in support of the UN. Additionally, USUN requests guidance for the next P5 meeting scheduled for 10:00 AM on July 11, convened at China's request to explore possible responses to the ICC indictments.

Khalilzad